

### PRESENT: PLANNING COMMISSION

Dr. Edgar Wallin, Chairman

Mr. Gib Sloan, Vice-Chairman

Ms. Gloria Freye

Mr. Michael Jackson

Mr. Peppy Jones

Mr. Kirkland A. Turner, Secretary to the Commission,

Planning Director

### PRESENT: PRESERVATION COMMITTEE

Ms. Mary Ellen Howe, Chairman

Mr. Jim Daniels, Vice-Chairman

Mr. Bryan Walker

Mr. David Dutton

ABSENT: Mr. G. M. "Skip" Wallace

Mr. John Cogbill, IV

Mr. J. Carl Morris

### **ALSO PRESENT:**

Mr. Michael E. Tompkins, Assistant Director,

Planning Department

Mr. Rob Robinson, Senior Assistant County Attorney,

County Attorney's Office

Ms. Tara McGee, Senior Assistant County Attorney,

County Attorney's Office

Mr. Steve Haasch, Planning Manager,

Planning Department

Ms. Bonnie L. Perdue, Planning Operations Administrator and Clerk,

Planning Department

Mr. Greg Allen, Planning Manager,

Planning Department

Ms. Jane Peterson, Planning Manager,

Planning Department

Ms. Darla Orr, Planning and Special Projects Manager,

Planning Department

Mr. Ryan Ramsey, Planning and Special Projects Manager,

Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Jim Banks, Assistant Director,

Transportation Department

Mr. Scott Smedley, Director

**Environmental Engineering Department** 

Mr. Mike Nannery, Assistant Director of Utilities

**Utilities Department** 

Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Ms. Heather Barrar, Principal Planner,
Planning Department
Mr. Greg Allen, Planning Administrator
Planning Department

### **ASSEMBLY AND WORK SESSION.**

Commissioners Wallin, Sloan, Freye, Jackson, Jones and staff assembled at 4:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA for a work session.

### I. CALL TO ORDER.

# II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Turner requested to add Cluster Box Units as item IX and to add the Special Meeting on Friday, March 18, 2016 as item X.

### III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for April, May, June and July.

### IV. REVIEW DAY'S AGENDA.

Ms. Heather Barrar provided a brief overview of the historic designation case which is being presented today at the public hearing.

In response to a question from Ms. Freye relative to the original designation, Ms. Barrar advised she will distribute the nomination form, staff report and minutes from the original designation to the Commission. Ms. Freye also verified that under the Code there are two (2) separate reports; one (1) from Planning Commission and one (1) from Preservation Committee and the reports must be made within 60 days of the public hearing.

Mr. Sloan stated he understood we want to apply architectural standards to a building, he is still reading documentation about how we are separating the building from the land under it. The applicant is seeking relief because they do not want the standards applied to the property. In building the road we stepped away from the architectural standards and the Preservation Committee granted them that relief. Ms. Barrar stated the Preservation Committee has previously granted approval (a Certificate of Appropriateness) to build a road and to move the house.

In response to a question from Mr. Sloan relative to the Preservation Committee having the authority to grant relief without the Planning Commission removing the historical designation, Mr. Robinson replied that it depends on what you mean when you say relief. To the extent that there is a proposal for a land disturbance activity on the property, that cannot happen absent a Certificate of Appropriateness from the Preservation Committee. The Preservation Committee has granted a Certificate of Appropriateness with respect to moving the house and building the road. What the Preservation Committee cannot do is remove the historical designation, only the Board of Supervisors can do that and only after a joint public hearing between the Planning Commission and the Preservation Committee where recommendations are forwarded up to the Board.

In response to a question from Dr. Wallin relative to the land disturbance permit being executed and approved, Mr. Robinson responded that under the Ordinance the owners needed a Certificate of Appropriateness for that land disturbance and it was granted by the Preservation Committee.

Ms. Freye expressed concern relative to the piece of land that the house will sit on. Knowing how the land disturbance will encroach upon that structure makes her question the integrity of the historical features of that property and that the social and cultural benefits are going to be protected by designating at least a piece of that land.

In response to a question from Mr. Jackson relative to the history of the ownership of the land as it related to the designation, Ms. Barrar stated the structure was designated in 1988; a year after the Preservation Ordinance was first passed. During the period of 1987 to 1988 about twenty (20) structures applied for historic designation, and the Preservation Ordinance was interpreted as the parcel of land being designated as a historic landmark. After a number of years of administering the Ordinance, staff saw that designating an entire parcel became a burden on property owners as any land disturbing activity needed a Certificate of Appropriateness. Ms. Barrar shared the ownership history of the house. In 2010 the property was vacant and subject to vandalism and the property owner asked to demolish the structure. Before you can demolish a historic structure you must obtain Board approval. A new owner bought the house in 2013 and restored the entire structure and asked to move the house in August 2015.

There was additional general discussion among the Commission about the historic designation of the house and land relative to Case 16HP0130.

Ms. Jane Peterson provided an overview to the Commission of the fourteen (14) cases for today's agenda.

### V. WORK PROGRAM - REVIEW AND UPDATE.

There were no questions relative to the Work Program.

### VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST. 🗈

There were no questions relative to the Follow-Up Items list.

# VII. RECOMMENDATION FOR CODE AMENDMENT RELATIVE TO DEFERRAL FROM PUBLIC HEARING/MEETING FINAL PLAT PRINT SUBMITTAL AND DEFINITIONS OF MAJOR AND MINOR CHANGES (15PJ0188).

Mr. Jackson asked for a deferral for thirty (30) days as the language in the definition section of the Ordinance, as it is now, interjects ambiguity into the definition.

On motion of Mr. Jackson, seconded Mr. Jones, the Commission resolved to defer voting on the Zoning Ordinance to the April 19, 2016 Planning Commission public hearing.

Ms. Freye asked for an explanation of the word "significant". The change in the definition would not render any change to the density or have any negative impact on surrounding property.

Mr. Allen stated the current language does not give staff any flexibility to determine whether or not a change that might fit into the six (6) categories would have any impact on adjacent property. The law as it is written today is very narrow. The Development community expressed to staff they wanted flexibility. The word "significant" is used if it has impacts on neighboring properties.

Ms. Freye stated as she understands it, the word "significant" is used only if there are impacts to surrounding/adjacent properties. Having this understanding, she feels comfortable voting on this Ordinance today.

Mr. Jones stated he has the same issues as Mr. Jackson and that is with the word "significant." It's too ambiguous a term and leaves too much to interpretation.

In response to a question from Mr. Sloan relative to the proposed Ordinance losing any affect if the word "significant" is removed, to which Mr. Robinson responded words have meaning and this word provides some perspective to the words listed below. He understands what Mr. Allen means when he says he can work with or without the word "significant" being included in the definition.

In response to a question from Dr. Wallin as to when the Code was implemented, Mr. Allen responded July 2013.

Mr. Robinson stated that under the Subdivision Ordinance, there are consequences for a change being described as being major than being minor. It's easier if you are a developer to implement changes to your subdivision plans if they are minor changes. If it is a major change there is more review involved.

Dr. Wallin stated the review of this definition was requested to give staff flexibility and for the good of all, he does not see any benefit in deferring this for thirty (30) days.

In response to a question from Mr. Jackson relative to fees, Mr. Allen responded that there is a fee associated with a major change. There is a reduced fee associated with a technical correction letter.

Currently as the Subdivision Ordinance stands, the addition of one (1) lot or one (1) parcel is considered a major change. With the amendment, the only way an addition of ten (10) lots or parcels is considered major, is if the review team considers it to be significant. We could substitute

the word ten (10) instead of significant. Mr. Turner stated there are times that adding three (3) lots would equal a major change.

Dr. Wallin stated that using the word "significant" allows staff more flexibility and he is comfortable in giving them that latitude.

On motion of Mr. Jackson, seconded by Mr. Jones, the Commission requested a thirty (30) day deferral before the Code Amendment was presented to the Commission.

AYE: Commissioner Jackson.

NAYS: Commissioners Wallin, Sloan, Freye and Jones.

Due to the vote, the motion failed to pass.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of the Code Amendment Relative to Deferral from Public Hearing/Meeting, Final Plat Print Submittal and Definitions of Major and Minor Changes (15PJ0118).

AYES: Commissioners Wallin, Sloan and Freye. NAYS: Commissioners Jackson and Jones.

### VIII. PRESENTATION BY CHESTERFIELD ECONOMIC DEVELOPMENT.

Mr. Garrett Hart presented an overview to the Commission about Chesterfield Economic Development. Their mission is to expand the commercial tax base and create quality jobs. In Chesterfield 99% of all businesses are considered small businesses by State definition which says a small business is defined by 250 employees or less. He highlighted some of the larger companies like Amazon, Capital One, Northrop Grumman, and Medline which are all in Meadowville Technology Park. Seven (7) new projects have been announced that total \$47.9M and creates 924 new jobs. This is a period of high activity but when it relates to companies committing to start a business in Chesterfield, there is medium activity. The Tranlin paper mill construction is expected to begin in 2018 and ultimately employ about 2000 people.

## IX. <u>CLUSTER BOX UNITS PRESENTATION (16PJ0104)</u>.

Mr. Greg Allen gave a brief update on the Cluster Box Units. The Postal Service has decided that cluster boxes will have to be used for apartments, townhouses and all new single-family dwellings in subdivisions. A full presentation will be presented to the Commission in April.

Mr. Jones asked what emergency services would do to find a home during an emergency if there is no mailbox with the house number on it. Mr. Allen stated emergency services use GPS to find homes and apartments when a 911 call comes in.

### X. SET SPECIAL MEETING DATE FOR RESIDENTIAL QUALITY STANDARDS.

Dr. Wallin asked for a motion to set a Special Meeting for Residential Quality Standards on Friday March 18, 2016 in the Community Development Building beginning at 9:00 a.m.

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission, on its own motion moved to hold a special meeting on March 18, 2016 in the Community Development Building in the multi-purpose room on the first floor, beginning at 9:00 a.m.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

### XI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 5:30 p.m., agreeing to meet in the Executive Meeting Room at 5:30 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

### 5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

### 6:00 P.M. JOINT PUBLIC HEARING OF PRESERVATION COMMITTEE AND PLANNING COMMISSION.

### I. CALL TO ORDER – PLANNING COMMISSION.

Dr. Wallin called the meeting to order.

### II. CALL TO ORDER – PRESERVATION COMMITTEE.

Ms. Mary Ellen Howe called the Preservation Committee to order.

### III. INVOCATION.

Ms. Freye presented the invocation.

### IV. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Tucker Sloan led in the Pledge of Allegiance to the Flag.

## V. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner reviewed the upcoming agendas.

# VI. APPROVAL OF PLANNING COMMISSSION MINUTES.

January 19, 2016

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of the January 19, 2016 Planning Commission minutes.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

# VII. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

# VIII. <u>REVIEW JOINT PRESERVTION COMMITTEE / PLANNING COMMISSION MEETING</u> PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

# IX. JOINT PRESERVATION COMMITTEE / PLANNING COMMISSION PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING PROPOSAL.

A. <u>16HP0130</u>: In Bermuda Magisterial District, **Centralia Station LLC** request the withdrawal of historic landmark designation for the parcel of the **Clarke Residence** (but retain the designation for the structure) and amendment of zoning district map in a Residential (R-7) District on 1.63 acres known as 4515 Centralia Road. The Comprehensive Plan suggests the property is appropriate for Residential use (1 dwelling per acre or less). Tax ID 786-663-2179.

Ms. Heather Barrar presented an overview of Case 16HP0130, stating Centralia Station LLC requests withdrawal of the historic landmark designation but wishes to retain the historic designation for the structure known as the Clarke House. The applicant has received a Certificate of Appropriateness to move the structure and to build a road. The structure has been renovated inside and outside with a Certificate of Appropriateness. Staff recommends approval for the historic designation for the structure only.

Mr. Kerry Hutcherson, the applicant's representative, acknowledges the withdrawal of the historic landmark designation for the parcel of the Clarke Residence while retaining the designation for the structure only.

In response to a question from Ms. Freye relative to a twenty (20) foot buffer around the structure, Mr. Hutcherson stated the applicant would agree to a condition to include a twenty foot area around the structure as part of the designation, but no other part of the 1.63 acres would have that designation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Dr. Wallin asked the Preservation Committee and Ms. Mary Ellen Howe for a recommendation.

Ms. Mary Ellen Howe said this case is the first of its kind to come before these joint committees. It is the purpose to save the best of what we have and use it to further the development. We are all grateful to Dale Patton for saving the little yellow house.

On motion of Mr. Daniels, seconded by Mr. Walker, The Preservation Committee resolved to recommend approval of Case 16HP0130, to remove the landmark designation of the parcel, but retain the designation for the structure, subject to the condition that an area of twenty (20) feet surrounding the house be included in the designation.

AYES: Committee Members: Howe, Daniels, Dutton and Walker.

ABSENT: Committee Members: Cogbill, Wallace and Morris.

Dr. Wallin asked if there was any further discussion on the case.

Mr. Jackson asked the applicant's representative if the applicant intended to move the home. Mr. Hutcherson stated he was not sure but would like the option to move it if necessary.

In response to a question from Mr. Jackson relative to the designation, Ms. Howe replied the historical designation stays with the structure.

Mr. Robinson stated the structure cannot be moved without a Certificate of Appropriateness from the Preservation Committee and if that were to happen, the designation would follow the structure and that little sliver of land that was the twenty (20) foot area around the structure would retain historical designation.

On motion of Mr. Sloan, seconded by Mr. Jones, the Planning Commission resolved to recommend approval of Case 16HP0130, to remove the landmark designation of the parcel, but retain the designation for the structure, subject to the condition that an area of twenty (20) feet surrounding the house be included in the designation.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

# X. <u>ADJOURNMENT OF THE PRESERVATION COMMITTEE AND RECESS OF THE PLANNING</u> COMMISSION.

Dr. Wallin turned the meeting over to Ms. Mary Ellen Howe.

Ms. Howe asked for a motion to adjourn.

On motion of Mr. Daniels, seconded by Mr. Dutton, the Preservation Committee agreed to adjourn.

AYES: Committee Members: Howe, Daniels, Dutton, and Walker.

ABSENT: Committee Members: Cogbill, Wallace and Morris.

#### THE PLANNING COMMISSION RECESSED AT 6:18 P.M.

#### THE PLANNING COMMISSION RECONVENED AT 6:26 P.M.

### XI. CALL TO ORDER.

Dr. Wallin called the meeting back to order to resume business of the Commission.

### XII. REVIEW MEETING PROCEDURES.

The Planning Commission agreed to forego review of the meeting procedures.

XIII. <u>CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.</u>

There were no citizens' comments on unscheduled matters.

- XIV. PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING PROPOSALS IN THIS ORDER.
  - DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER CONDITIONAL USE PLANNED DEVELOPMENTS, REZONINGS AND EXCEPTION TO UTILITY ORDINANCE.
- B. <a href="16SN0565">16SN0565</a>: In Clover Hill Magisterial District, C.A.H. Investments, LLC requests amendment of conditional use planned development (Case 98SN0176) relative to uses and amendment of zoning district map in a Light Industrial (I-1) District on 25.7 acres located in the northeast corner of Hull Street and Warbro Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research and Development/Light Industrial uses. Tax ID 738-682-Part of 8258.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 16SN0565 by Ms. Freye to the May 17, 2016 public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission, resolved to defer Case 16SN0565 with the applicant's consent, to the May 17, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

D. <u>16SN0569</u>: In Clover Hill Magisterial District, **Nouhad Abou Attallah and Midlothian Parc, LLC** request conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a General Business (C-5) District on 1.2 acres located in the northwest corner of Hull Street Road and Suncrest Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 747-685-5175. ■

Mr. Mark Baker, the applicant's representative, accepted deferral of Case 16SN0569 by the District Planning Commissioner to the April 19, 2016 public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission, resolved to defer Case 16SN0569 with the applicant's consent, to the April 19, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

E. <a href="165N0572">16SN0572</a>: In Bermuda Magisterial District, Carthan F. Currin requests rezoning from Agricultural (A) to Light Industrial (I-1) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 3.4 acres located in the southeast corner of West Hundred and Iron Bridge Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office/Residential Mixed use and Residential use (1.5 dwellings per acre or less). Tax ID 785-652-9775.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0572 by the District Planning Commissioner to the May 17, 2016 public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Dr. Wallin, the Commission, resolved to defer Case 16SN0572 with the applicant's consent, to the May 17, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

H. <a href="16SN0675">16SN0675</a>: In Bermuda Magisterial District, Bermuda Warehousing, LLC requests an exception to Section 18-60 of the utility ordinance for required public sewer connection and amendment of zoning district map in a General Industrial (I-2) District on 6.4 acres fronting 545 feet on the north line of West Hundred Road, across from Ware Bottom Spring Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax IDs 806-653-1868 and 4471. 
\[
\begin{align\*}
\text{1DS 806-653-1868} \\
\text{2DS 806-653-1868} \\
\t

Mr. Dean Hawkins, the applicant's representative, accepted deferral of Case 16SN0675 by the District Commissioner to the June 21, 2016 public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to defer Case 16SN0675 with the applicant's consent, to the June 21, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

L. <u>16SN0680</u>: In Dale Magisterial District, **Ironbridge Baptist Church** requests rezoning from Neighborhood Business (C-2) to General Industrial (I-2) and conditional use planned development to delete a buffer on 0.6 acres plus amendment of conditional use planned development (Case 02SN0213) on 10.5 acres relative to setbacks and amendment of zoning district map on the 11.1 acre tract fronting 55 feet on the north line of Landfill Drive, 970 feet west of Iron Bridge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 773-656-2577; 773-657-Part of 4168-00001 and 5505. ■

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 16SN0680 by the District Planning Commissioner to the April 19, 2016 public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jackson, seconded by Mr. Sloan, the Commission, resolved to defer Case 16SN0680 with the applicant's consent, to the April 19, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- <u>CONSENT ITEMS CONDITIONAL USES, CONDITIONAL USE PLANNED</u> DEVELOPEMNT, REZONINGS AND SUBSTANTIAL ACCORD.
- A. <a href="16PD0188">16PD0188</a>: In Matoaca Magisterial District, Chesterfield County Parks and Recreation requests substantial accord determination to permit a community/senior center and amendment of zoning district map in Agricultural (A) and Community Business (C-3) Districts on 7.6 acres known fronting 740 feet in two (2) places on the north line of Hull Street Road, 740 feet east of Hampton Farms Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential (Minimum 4.0 to 8.0 dwellings per acre). Tax IDs 709-668-3261 and 6970; 710-668-0384 and 1671.

Mr. Stuart Connock, the applicant, accepted staff's recommendation. He stated there is a need for locations that seniors can gather for social activities. This church provides a co-location for the County and fills a need. The site is well suited for the use and meets all requirements and could potentially serve 250-500 seniors weekly.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16PD0188.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

B. <u>16PD0190</u>: In Clover Hill Magisterial District, Chesterfield County Parks and Recreation requests substantial accord determination to permit a community/senior center and amendment of zoning district map in Corporate Office (0-2) and Community Business (C-3) Districts on 4.7 acres known as 4000 Stigall Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 743-683-7528.

Mr. Stuart Connock, the applicant, accepted staff's recommendation. This building is in an excellent location to serve the senior population.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16PD0190.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

F. <a href="Midlothian">16SN0588</a>: In Midlothian Magisterial District, Main Street Homes and Rebkee Partners Winterfield LLC request amendment of zoning (Cases (06SN0110 and 06SN0111) relative to cash proffers and a conditional use planned development to permit exceptions to ordinance requirements relative to setbacks and amendment of zoning district map in a Residential Townhouse (R-TH) District on 23.6 acres fronting the east and west lines of Winterfield Road, north of the Southern Railroad. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1.01 to 2.5 units per acre). Tax IDs 724-710-8357; 725-710-2863, 3169, 3172, 3267, 3361, 3364, 3459, 3554, 3557, 3593, 3652, 3749, 3993, 4235, 4467, 5395, 5591, 5687, 5784, 5880, 5976, 6072, 6168, 6264, 6360, 6456, 6553, 6748, 7045 and 8357; and 725-711-3400. 

□

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Jones stated there were several community meetings on this case and all that attended are satisfied with this case.

Mr. Jackson stated in regards to the proffered condition in relationship to capital facilities impact, he understands this amendment is a 17% reduction over the fiscal impact assessed for 2016 also \$557,664.00 in total and he supports the case.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0588 and acceptance of the proffered conditions:

### PROFFERED CONDITIONS

With the approval of this request, Proffered Condition 6 of Case 06SN0110 and Proffered Condition 6 of Case 06SN0111 shall be amended for the entire property and Textual Statement Item V.A.1.e. of Case 06SN0110 shall be amended for Tax ID 725-710-3993 only, as outlined below. All other conditions of Cases 06SN0110 and Case 06SN0111 shall remain in force and effect.

The Applicant amends Proffered Condition 6 of Case 06SN0110 and Case 06SN0111 to read as follows:

- 1. <u>Cash Proffer.</u> For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:
  - A. \$18,966.00 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost Index during that time period.
  - B. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - D. Should Chesterfield County impose impact fees at any time during the life of the development that applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B)

The Applicant amends Textual Statement Item V.A.1.e. of Case 06SN0110 shall be amended for Tax ID 725-710-3993 only, as outlined below.

2. The Textual Statement last revised February 29, 2016 shall be considered the Master Plan for Tax ID 725-710-3993. (P)

The Applicant offers the following additional proffered conditions:

3. A minimum six (6) foot tall board on board (two sided) wood fence shall be provided and maintained along the northern and eastern property boundary as generally shown on

Exhibit A, prepared by Balzer and Associates, Inc., dated January 18, 2016 and last revised February 11, 2016. Prior to the issuance of the first occupancy permit for any building adjacent to either the northern or eastern property boundaries, the fence shall be installed along the respective northern or eastern property boundary. (P)

- 4. Two landscaped parking islands shall be provided along West Winterfield Road as generally shown on Exhibit A, prepared by Balzer and Associates Inc., dated January 18, 2016 and last revised February 11, 2016, subject to Planning Department and VDOT approval. The islands shall be installed prior to the first occupancy permit for a building on a lot adjoining West Winterfield Road. (P)
- 5. A clubhouse with a minimum of 1,800 square feet of gross floor area shall be provided. Such clubhouse shall receive a Certificate of Occupancy prior to the issuance of the 74<sup>th</sup> building permit for the project. (P)
- 6. Limitations on Timing of Construction Activity
  - A. Permitted Hours For Construction:
    - i. Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday; 7:00 a.m. to 6:00 p.m. on Saturday; and 8:00 a.m. to 5:00 p.m. on Sunday. For the purpose of this condition, construction activity shall be considered land clearing; grading; installation of infrastructure (such as roads, utilities and storm drainage); and exterior construction of a dwelling.
    - ii. This condition is not intended to restrict the hours of home construction (such as with additions or alterations) once a dwelling is occupied as a residence.
    - iii. Within 30 days of approval of this request, these restrictions shall be posted in English and Spanish on 2' X 2' signs that are clearly legible from the public rights of way at the entrances into the development. Such signs shall be maintained by the developer and shall remain until all construction activity is complete. The Developer shall provide written confirmation to the Planning Department that the sign postings have occurred as required by this condition. (P)
- 7. The minimum gross floor area for each attached unit (Single Family B, Case 06SN0110) shall be 1,500 square feet. (Bl and P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

I. <u>16SN0676</u>: In Matoaca Magisterial District, Christopher Neil Carty requests conditional use planned development to permit an exception to road frontage requirements and amendment of zoning district map in an Agricultural (A) District on 30.3 acres lying 1,005 feet off the east line of River Road, 2,520 feet south of Graves Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 758-617-3730. ■

The applicant, Mr. Christopher Neil Carty, accepted staff's recommendation and agreed to the conditions.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Dr. Wallin stated the community meeting went well and there appears to be no neighborhood opposition.

On motion of Dr. Wallin, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0676 subject to the following conditions:

### **CONDITIONS**

- 1. <u>Road Frontage & Access</u>. No public road frontage shall be required for a dwelling. Access to the parcel shall be provided in accordance with Proffered Conditions 2, 3 and 4. (P)
- 2. <u>Easement</u>. Prior to approval of a building permit, the property owner shall provide a copy of a recorded instrument which will include the following:
  - a. A condition that shall require that no structure or fence shall be constructed to block the access.
  - b. A condition that shall require the land owner of the subject property to be responsible for maintenance of the access.
  - c. A thirty (30) foot private access easement from Point A to Point B, as generally shown on Exhibit A. (P)
- 3. <u>Driveway Standards</u>. A fifteen (15) foot wide driveway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
  - a. This driveway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight and shall be maintained to this standard. The driveway shall not be approved if it is rutted or potholed.
  - b. There shall be an additional three (3) foot clear area beyond the edge of the driveway.
  - c. There shall be a minimum vertical clearance of fourteen (14) feet of area above the driveway.
  - d. The driveway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.

- e. The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
- f. Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
- 4. <u>Driveway Inspection</u>. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this driveway to determine compliance as set forth above. (P)
- 5. <u>Future Divisions of Property</u>. No further divisions of the property, including family subdivisions, shall be permitted unless adequate public road frontage is provided. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

K. <u>16SN0679</u>: In Clover Hill Magisterial District, Laura Moss Wallace and William Brian Simonson request rezoning from Agricultural (A) to Residential (R-25) and amendment of zoning district map on 7.7 acres fronting 200 feet on the west line of Hazelmere Drive, 290 feet south of Rexmoor Drive. Residential use of up to 1.74 units per acre is permitted in the Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for Residential (1.5 dwellings/acre or less). Tax IDs 740-702-3887 and 6083. 

□

Mr. William Simonson, the applicant, agreed with staff's recommendation of approval and the conditions in the staff report.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Ms. Freye, seconded by Dr. Walliin, the Commission resolved to recommend approval of Case 16SN0679 and acceptance of the proffered conditions:

### PROFFERED CONDITIONS

- 1. <u>Density</u>. The density of this development shall not exceed three (3) lots. (P)
- 2. Lot Size. The minimum lot size shall be 30,000 square feet. (P)
- 3. <u>Minimum House Size</u>. The minimum gross floor area for each dwelling unit shall be 2,400 square feet.
- 4. <u>Architectural/Design Elements</u>. The following requirements shall apply to any new dwelling constructed on the property:
  - a. <u>Driveways</u>. All portions of driveways and parking areas shall be asphalt or concrete.
  - b. <u>Landscaping and Yards</u>.

- i. <u>Supplemental Trees</u>. Prior to the issuance of a Certificate of Occupancy for each dwelling unit, a minimum of one (1) flowering tree shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4' 10" above ground).
- ii. <u>Front Foundation Planting Beds</u>. Foundation planting is required along the entire front façade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs and may also include spreading groundcovers.

### c. Architecture and Materials.

- i. <u>Foundations:</u> The exposed portion of any foundation shall be brick or stone. Synthetic or natural stucco foundations may be permitted for façades constructed entirely of stucco. Rear walkout basement walls shall be permitted to be sided or cast concrete painted to match house.
- ii. <u>Exterior Facades:</u> Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and horizontal lap siding. Horizontal lap siding may be permitted to be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:
  - 1. Cementitious and vinyl siding is permitted in traditional wide beaded styles only. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044".
  - 2. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.

Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.

### Porches, Stoops and Decks

- 1. <u>Front Porches:</u> All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
- 2. <u>Front Porch Flooring:</u> Porch flooring shall be permitted to be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not

permitted. All front steps shall be masonry to match the foundation.

- v. <u>Garages:</u> Front loaded garages shall be prohibited. Any garage shall be side or rear loaded. (P)
- 5. <u>Cash Proffers.</u> For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:
  - a. \$18,966 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost index during that time period.
  - b. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

M. <u>16SN0682</u>: In Bermuda Magisterial District, Linda Carol Roper and Rachel Carol Massey request conditional use to permit a family day care home and amendment of zoning district map in a Agricultural (A) District on 5.9 acres known as 11400 Chester Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.5 dwellings per acre or less). Tax ID 788-658-6842. ■

Ms. Linda Roper, the applicant, agrees with staff's recommendation and agreed to the proffered conditions.

Mr. Jackson asked staff about the ratio of children to caregivers.

Ms. Roper stated that State licensing allows for twelve (12) children plus the caregivers own children, with the number of caregivers based on the ages of the children.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 16SN0682 and acceptance of the proffered conditions:

### PROFFERED CONDITIONS

1. <u>Non-Transferable Ownership</u>: This conditional use approval shall be granted to and for Rachel Carol Massey, exclusively, and shall not be transferable, nor run with the land. (P)

- 2. <u>Expansion of Use</u>: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- 3. <u>Signage</u>: There shall be no signs permitted to identify this use. (P)
- 4. <u>Number of Children</u>: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children or any children that reside in the home, at any one time. (P)
- 5. <u>Hours of Operation</u>: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
- 6. <u>Time Limitation</u>: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
- 7. <u>Fenced Outdoor Play Areas</u>: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed and maintained around the equipment or play area. All equipment for outdoor play areas shall be located no closer than fifteen (15) feet from the side or rear property lines. (P)
- 8. <u>Employees</u>: No more than one (1) employee shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- <u>CONDITIONAL USES, CONDITIONAL USE PLANNED DEVELOPMENTS, REZONINGS</u> AND EXCEPTIONS TO UTILITY ORDINANCE - OTHER.
- G. 16SN0674: In Bermuda Magisterial District, Shawn D. Dunn requests exceptions to Section 18-60 of the utility ordinance for required public water and sewer connections and amendment of zoning district map in a General Industrial (I-2) District on 2.6 acres fronting 295 feet on the west line of Happy Hill Road, 1,285 feet north of Jefferson Davis Highway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research and Development/Light Industrial uses. Tax IDs 800-632-3167 and 3880. ■

Ms. Jane Peterson gave an overview and staff's recommendation for denial, noting that the exceptions would adversely affect achieving the highest and best land use suggested by the Comprehensive Plan and the extension of public water and sewer systems to area properties. Should the Commission feel the case has merit; two (2) conditions are recommended.

In response to a question from Mr. Jackson, Mr. Nannery stated the cost for the water line extension is approximately \$113,000 and the sewer connection estimated total cost would be \$311,000, but could be reduced with an extension to serve the Thibault property to the north. He noted the property is located within a Technology Zone and would be eligible for a waiver for connection fees totaling \$10,300.

Mr. Dean Hawkins, the applicant's representative, stated the applicant wants to build a place for employees to park their vehicles, a small office and vehicle storage for the weekend. The usable area of the property is about 60% due to environmental issues on site. When the property was zoned for I-2 uses, it was understood that no property would be required to connect to public water and sewer unless the utilities were within 200 feet of the property. The neighboring property owner will not allow an easement for water, so water would be available at a further distance, presenting both physical and monetary limitations. Should the water and sewer ever come within 200 feet, the applicant would be happy to connect to it.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Sloan stated this is a challenging case for him. The intent of the Comprehensive Plan is for both public water and sewer use and is very valid. He noted the County needs to consider how to accommodate small development in these areas where the mandatory requirement for water and sewer connections is cost prohibitive. For that reason, he would support the exceptions with the imposition of two (2) conditions for easements and connections when utilities are within 200 feet of the property.

Dr. Wallin stated that the exception is warranted when evaluating the land worth and size of the business when compared to development costs.

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 16SN0674 subject to the conditions:

#### CONDITIONS

- <u>Utility Easements</u>. Any site plan or building permit for the subject parcels shall provide and dedicate public utility easements in locations acceptable to the Utilities Department to accommodate the future extension of the public water and wastewater systems. Such easements shall be dedicated prior to site plan approval. (U)
- 2. <u>Extension of Utilities</u>. In the event that the public sewer or water systems are extended to a point within 200 feet of the property, the public water and wastewater systems shall be extended to a point acceptable to the Utilities Department and all uses requiring domestic water and wastewater shall be connected to the applicable public system. (U)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

**16SN0678**: In Clover Hill Magisterial District, **Jeffrey J. Appling** requests conditional use to permit recreational equipment parking and storage and amendment of zoning district map in a Residential (R-7) District on 0.3 acres known as 8513 Claypool Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51 to 4.0 dwelling units per acre). Tax ID 756-701-2981. ■

Mr. Ryan Ramsey gave an overview and staff's recommendation of denial as the parking location has substantial visual impact on an adjoining neighbor and the streetscape and there is an alternative parking location. He noted staff has received four (4) letters from neighbors in support of the recreational vehicle at its current location.

Mr. Appling, the applicant, stated he agrees to the conditions in the staff report and the camper has been there for eight (8) years.

Ms. Freye noted relocation of the vehicle would require removal of landscaping; the orientation of the dwelling to the road creates difficulty in locating the vehicle in compliance with Code; and the proposed fencing would provide a screen for the closest neighbor who has consented to this parking location.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Ms. Freye noted there is some hardship in this case, there is no opposition from neighbors, the applicant agrees to the conditions, and she will support the case.

On motion of Ms. Freye, seconded by Mr. Jones, the Commission agreed to recommend approval of Case 16SN0678 subject to the conditions:

### **CONDITIONS**

- 1. <u>Non-Transferable Ownership</u>. This Conditional Use approval shall be granted exclusively to Jeffrey J. Appling, and shall not be transferable nor run with the land. (P)
- 2. <u>Use</u>. This Conditional Use approval shall be for the parking of one (1) recreational vehicle having no more than two (2) axels and no greater than twenty-six (26) feet in length. (P)
- 3. <u>Location of Recreational Vehicle</u>. Except for loading and unloading, the recreational vehicle shall be parked within the side yard, as shown on Exhibit A.
  - a. The parked recreational vehicle shall be setback a minimum of one (1) foot from the side property line.
  - b. The towing hitch of the recreational vehicle may encroach into the front yard. The remainder of the recreational vehicle shall be located within the side yard. (P)
- 4. <u>Fence</u>. Within sixty (60) days of approval, a fence shall be constructed along the east property line. The fence shall screen the recreational vehicle from the street and adjacent property owner and be constructed as shown on Exhibit A with the following requirements:
  - a. A seven (7) foot tall privacy fence shall be constructed in the side yard. This fence segment shall be constructed parallel to the side of the recreational vehicle.

b. A four (4) foot tall privacy fence shall be constructed within the front yard. This fence segment shall be constructed to be a minimum of ten (10) feet in length. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

N. <a href="Modesa: In Bermuda Magisterial District">16SN0683</a>: In Bermuda Magisterial District</a>, Pamela P. Buyalos and James F. Buyalos, Jr. request conditional use to permit a business (grounds and landscape maintenance) incidental to a dwelling and amendment of zoning district map in a Residential (R-12) District on 0.5 acres known as 10816 Surry Circle. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1.5 dwelling per acre or less). Tax ID 792-662-2758.

Mr. Ryan Ramsey gave an overview and staff's recommendation of denial as the use does not comply with the Comprehensive Plan and represents commercial encroachment within a residential neighborhood.

In response to a question from Mr. Jackson, Mr. Ramsey replied there was not an active HOA in this neighborhood.

Mr. Kerry Hutcherson, the applicant's representative, stated he does not agree with staff's recommendation. Any encroachment of commercial use will be minimal, no business activity will be on-site, and equipment storage will have minimal impact on the neighbors. The staff report notes a lack of a condition limiting the hours and days of operation, but this is not practical for a landscaping business as it is weather-dependent. At the community meeting, no neighbors had any issues with his hours of operation given that all work is performed off-site.

In response to a question of Mr. Jackson's, the applicant stated that any vehicle maintenance, other than minor upkeep and testing, takes place off site and that he has never had any complaints from neighbors.

Mr. Sloan stated during the community meeting a large number of his neighbors came out and all aggressively supported the applicant.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to recommend approval of Case 16SN0683 and acceptance of the proffered conditions:

#### PROFFERED CONDITIONS

 <u>Use:</u> This Conditional Use approval shall be for the operation of a contractor's office and storage yard (landscaping and grounds maintenance business), incidental to a dwelling.
 (P)

- 2. <u>Non-Transferable Ownership:</u> This Conditional Use approval shall be granted exclusively to James F. Buyalos, Jr. and Pamela P. Buyalos, and shall not be transferable with the land. (P)
- 3. <u>Time Limitation:</u> This Conditional Use shall be granted for a period of five (5) years. (P)
- 4. <u>Equipment Storage:</u> As part of the business, the following equipment may be parked or stored on the Property:
  - a. Two (2) service trucks
  - b. One (1) dump truck
  - c. Three (3) snow plow moldboards
  - d. One (1) multi-axle trailer

No other equipment or materials may be parked or stored on the Property, unless it is concealed within the dwelling or an accessory structure. (P)

- 5. <u>Location of Use:</u> The Conditional Use shall be confined to the dwelling, accessory buildings, and the storage and parking areas noted on Exhibit A, dated February 23, 2016.(P)
- 6. <u>Screening</u>: The existing privacy fence, measuring a minimum of six (6) feet tall, being constructed as a wooden board-on-board fence, and extending along the rear and side yards of the Property shall be maintained. (P)
- 7. <u>Employees and Clients:</u> No more than one (1) employee shall be permitted to work on the Property. No clients shall be permitted on the Property.(P)
- 8. Signage: There shall be no signs identifying this use.(P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

### XV. OTHER BUSINESS.

There was no other business to discuss.

# XVI. <u>CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.</u>

There were no comments by citizens.

### XVII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Sloan, seconded by Ms. Freye that the meeting adjourned at 10:31 p.m. to the Residential Quality Standards Meeting, Friday, March 18, 2016 at 9:00 a.m., in the Multi-Purpose Room in the Community Development Building, on the first floor.

Planning Commission Chairman/Date	Secretary/Date
Preservation Committee Chairman/Date	